

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHROME HEARTS LLC, a Delaware
Limited Liability Company,

Plaintiff,

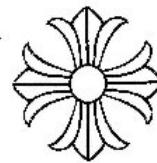
vs.

THE TJX COMPANIES, INC., a
Delaware Corporation; BURLINGTON
COAT FACTORY WAREHOUSE
CORPORATION, a Delaware
Corporation; and JEAN DESIGN LTD., a
New York Corporation; DOES 1-10,
inclusive,

Defendants.

)CASE NO. 2:15-CV-01133-DMG-SS
})
})**ORDER RE PERMANENT
INJUNCTION AND VOLUNTARY
DISMISSAL OF DEFENDANT JEAN
DESIGN LTD. [37]**
})

WHEREAS Plaintiff Chrome Hearts LLC (“Chrome Hearts”) is the owner of the word mark “CHROME HEARTS,” as well as the “CH Plus Mark” (shown below), federal trademark registrations of which include but are not limited to U.S. Reg. No. 3,388,911 (for clothing), U.S. Reg. No. 3,365,408 (for retail store services in the field of jewelry, clothing, handbags, eyewear, home furnishings, bed linen, and toys), and U.S. Reg. No. 3,385,449 (for jewelry).



WHEREAS Chrome Hearts having filed a Complaint in this action charging Defendant Jean Design Ltd. (“Jean Design”) with Trademark Infringement, False Designations of Origin, and Unfair Competition under federal, state, and common law arising from Jean Design’s manufacture, production, distribution, promotion, advertisement, offering for sale, and/or sale of denim wear under the “REQUEST JEANS” brand bearing a mark that Chrome Hearts alleges to be substantially indistinguishable/nearly identical to Chrome Hearts’ federally registered CH Plus Mark (hereinafter “Disputed Mark”) - a depiction of which is shown below.



Disputed Mark

“REQUEST JEANS” branded products bearing the “Disputed Mark” of style numbers 92245 and 92290 shall hereinafter be referred to as the “Disputed Products”;

AND WHEREAS, Jean Design denies the allegations in this Civil Action;

AND WHEREAS, the parties herein having simultaneously entered into a Settlement Agreement and Mutual Release;

AND WHEREAS, the parties desiring to fully settle all of the claims in this action among the parties to this Final Judgment; and

AND WHEREAS, Jean Design has agreed to consent to the below terms of a permanent injunction without any admission of wrongdoing and without any concession of the factual or legal positions of Chrome Hearts,

IT IS HEREBY ORDERED that:

1. This Court has jurisdiction over the parties to this Final Consent Judgment and has jurisdiction over the subject matter hereof pursuant to 15 U.S.C. § 1121.

2. Jean Design and its agents, servants, employees, and all persons in active concert and participation with it who receive actual notice of this Consent Judgment are hereby permanently restrained and enjoined from:

(a) Manufacturing, purchasing, producing, distributing, circulating, selling, offering for sale, importing, exporting, advertising, promoting, displaying, shipping, marketing and/or incorporating in advertising or marketing the CH Plus Mark and/or marks identical and/or confusingly similar thereto, including but not limited to products bearing the CH Plus Mark, marks identical and/or confusingly similar thereto, and/or the Disputed Mark shown above;

(b) Delivering, holding for sale, returning, transferring or otherwise moving, storing or disposing in any manner the Disputed Products;

(c) Knowingly assisting, aiding or attempting to assist or aid any other person or entity in performing any of the prohibited activities referred to in Paragraphs 2(a) to 2(b) above.

WHEREAS Chrome Hearts and Jean Design have further agreed as follows,

IT IS FURTHER ORDERED that:

1. Chrome Hearts and Jean Design shall bear their own costs and attorneys' fees associated with this action;

2. The execution of the parties' Stipulation shall serve to bind and obligate the parties hereto;

3. Chrome Hearts hereby dismisses with prejudice its claims against Jean Design in this action, but such dismissal shall not have preclusive effect on those who are not a party to this action or who are not specifically released in the parties' written settlement agreement, all claims against whom Chrome Hearts expressly reserves; and

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1 4. The jurisdiction of this Court is retained for the purpose of making any
2 further orders necessary or proper for the construction or modification of this Consent
3 Judgment, the enforcement thereof and the punishment of any violations thereof.
4 Except as otherwise provided herein, this action is fully resolved with prejudice.

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6 DATED: August 4, 2015
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DOLLY M. GEE
UNITED STATES DISTRICT JUDGE